

REMARKS

Applicants have amended claims 1-66. No new matter has been added. Additionally, Applicants believe that the foregoing comments overcome the rejections set forth in the February 12, 2006 Final Office Action.

I. THE EXAMINER'S REJECTIONS

35 U.S.C. § 103

The Examiner rejected Claims 1, 2, 4, 6, 9-12, 18-20, 22-26, 28-33, 35-39, 42-46, and 50-52 under 35 U.S.C. § 103(a) as being unpatentable over Ruffolo et al., U.S. Patent Number 6,236,807 (hereinafter "Ruffolo") in view of Yamamoto et al., U.S. Patent Number 4,968,487 (hereinafter "Yamamoto") or Tanner et al., U.S. Patent Number 6,627,857 (hereinafter "Tanner") and Millan, U.S. Patent Number 6,278,840 (hereafter "Millan") or Junkel, U.S. Patent Number 6,044,202 (hereafter "Junkel"). The Examiner stated that Ruffolo et al:

"shows an air freshener with a housing for holding a circuit having a light emitting diode, a heater disposed in a ceramic block for conducting or radiating heat, electrical connectors to receive current from a power source, a container made of translucent material, a decorative shield, a wick inserted in the container, the housing with a socket for holding the container, and a dome for venting out of facilitating the release of a heated substance." Office Action dated February 13, 2006, page 2.

The Examiner cited Yamamoto and Tanner to teach air fresheners with a plurality of light sources to illuminate an air freshener. *Id.*, at 3. Therefore, the Examiner contended that "in view of Yamamoto and Tanner, it would have been obvious to one of ordinary skill in the art to adapt Ruffolo with a plurality of light sources such as the light emitting diodes to illuminated [sic] in the air freshener to show various functions or indications of the freshener." *Id.*

The Examiner cited Millan and Junkel to show an air freshener "with a resistor as the heater." *Id.* As a result, the Examiner contended that "in view of Millan and Junkel, it would have been obvious to one of ordinary skill in the art to adapt Ruffolo with the resistor as the heater to alternatively provide the necessary power to heat the volatile substance, and further adapt with a rectifier." *Id.*

Next, the Examiner rejected claims 3, 21, 47, 48, 53-55, 58-61, and 65-66 as unpatentable over Ruffolo in view of Yamamoto and Tanner, and Millan or Junkel in further view of Wattson, U.S. Patent Number 3,373,341 (hereinafter "Wattson") or Roland et al., U.S. Patent Number 3,386,005 (hereinafter "Roland"). The Examiner admitted that Ruffolo in view of Millan or Junkel does not teach the apparatus with a shunt diode including a full-wave bridge rectifier. See Office Action dated

August 16, 2005, page 4. The Examiner cites Wattson and Roland for showing this feature. *Id.*

Next, claims 7, 8, 40 and 41 were rejected as unpatentable over Ruffolo in view of Yamamoto and Tanner, Millan or Junkel in further view of Muderlak et al., U.S. Patent Number 5,175,791 (hereinafter "Muderlak"). The Examiner cited Muderlak to teach an air freshener with an electrical thermal fuse to prevent overheating, while admitting that the combination of Ruffolo and Millan or Junkel does not teach this limitation. *Id.*

Finally, the Examiner rejected claims 56 and 57 as unpatentable over Ruffolo in view of Yamamoto and Tanner, Millan, Junkel, Wattson, and Roland in further view of Muderlak. The Examiner admitted that the combination of Ruffolo, Millan, Junkel, Wattson, and Roland failed to teach a device with an electrical thermal fuse. See Office Action dated August 16, 2005, page 5. According to the Examiner, Muderlak is cited to "show an air freshener with an electrical thermal fuse to prevent overheating." *Id.*

II. THE EXAMINER'S REJECTIONS SHOULD BE WITHDRAWN

In order for a claimed invention to be obvious, either alone or in view of a combination of references, three criteria must be met: 1) there must exist a suggestion or motivation to modify the reference or to combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the prior

art references, when combined, must teach or suggest all of the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MANUAL OF PATENT EXAMINING PROCEDURE § 2143-2143.03.

Applicants respectfully submit that no combination of references
5 teach the claim limitations as amended of the present invention.

All of the Examiner's rejections rely on Ruffolo. In the Examiner's view, Ruffolo contains a decorative shield and teaches the present invention except for the use of a plurality of light emitting diodes. However, Ruffolo fails to teach a
10 decorative cover as required by the amended independent claims.

As shown in FIG. 6 of the present application, the decorative cover of the present invention is semi-cylindrically shaped. It attaches to the housing such that it surrounds at least a portion of the housing and the container. A gap is
15 formed between the housing/container combination and the decorative cover. In addition, it surrounds at least a portion of the container. It is made of translucent material which allows it to be illuminated by the associated light emitting diodes. As such, it is incapable of dissipating fragrance. The
20 cover functions to provide a large surface area to improve the illuminating capabilities of the apparatus.

In contrast, as shown in FIGS. 1-3, Ruffolo teaches a decorative flange **20** which is attached to housing **50**. The specification discloses that "[t]he cover includes a decorative

upwardly and outwardly extending flange **20** that mimics the leaves of a plant, the petals of a flower of other simulative shape. This shape helps conceal the dome, helps dissipate the evaporated air freshener and decorate the product." Col. 3,

5 lns. 38-43. Accordingly, the flange **20** and the decorative cover of the present invention are different structures which perform different functions. Therefore, Ruffolo fails to disclose the decorative cover of the present invention.

The Examiner contends that FIG. 4 shows a gap between the
10 housing and cover. However, FIG. 4 fails to disclose that the container and the housing are partially disposed within the interior circumference of the decorative cover. As a result, Ruffolo fails to disclose the gap formed between the interior curvature of the decorative cover and the housing with an
15 attached container.

The Examiner also contends that the decorative cover of Ruffolo also covers at least a portion on the container because it "sits above the container." *Id.*, at 6. However, Ruffolo fails to disclose a container which is partially surrounded by a
20 semi-cylindrically shaped cover. Because the decorative cover partially surrounds the container, it provides a greater surface area for illuminating the translucent container while still functioning as a night light. Each independent claim has been amended to highlight this difference.

Further, the Examiner admits that the decorative cover of the present invention is incapable of dissipating fragrance. As previously discussed, the principal function of the cover of Ruffolo is to dissipate fragrance. In contrast, the shape of the decorative cover of the present invention has two primary purposes: (i) to provide a large surface area for illumination to increase it's ability to properly function as a night light; and (ii) to better illuminate the container disposed within it.

Yamamoto and Tanner were cited merely to teach an air freshener with a plurality of light sources. Millan and Junkel were cited to show an air freshener with a resistor that acts as a heater. See Office Action, page 4. Watson and Roland were cited to teach the use of a shunt diode as a full-wave bridge rectifier. *Id.* Muderlak was cited merely to teach the use of a thermal fuse to prevent overheating. *Id.*, at 5. None of the references teach an air freshener and nightlight which utilizes a plurality of light emitting diodes to illuminate a decorative cover as required by every amended independent claim.

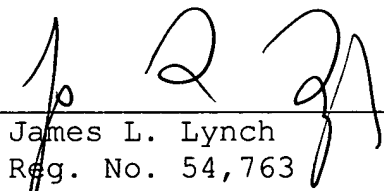
Since no combination of Ruffolo, Yamamoto, Millan, Junkel, Watson, Roland, Tanner, or Muderlak teaches each and every claim limitation, the Examiner's rejections should be withdrawn.

CONCLUSION

Applicants submit that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. The claims have been amended merely to clarify the novel features of the current invention, the amendments are in no way related to patentability. Early and favorable action is accordingly solicited.

Respectfully submitted,

Date: 07-6-06


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